

**PUBLIC HEARING
BOARD OF HOUSING QUALITY APPEALS
CITY HALL McCLOSKEY CONFERENCE ROOM
July 18, 2012, 4:00 P.M.**

I. **ROLL CALL**

II. **REVIEW OF SUMMARY** – *No minutes to approve.*

III. **OLD BUSINESS**

- (1) 11-TV-137 **328 S. Grant Street**, Mara Jade Holdings, LLC. Request for an extension of time to complete repairs. Previously heard November 09, 2011.
pp. 5-12
- (2) 11-TV-138 **332 S. Grant Street**, Mara Jade Holdings, LLC. Request for an extension of time to complete repairs. Previously heard November 09, 2011.
pp. 13-20
- (3) 12-V-72 **432 S. College Avenue**, Monroe County Convention Building Corp. Request for an exception or modification to the Housing Property Maintenance Code. Previously heard June 20, 2012. The item was tabled. pp. 21-34

IV. **NEW BUSINESS**

- (4) 12-AA-83 **508 W. Northlane Drive**, Rick Halterman. Request for relief from an administrative decision. pp. 35-38
- (5) 12-TV-84 **506 W. Northlane Drive**, Marios Fellouka. Request for an extension of time to complete repairs. pp. 39-44
- (6) 12-TV-85 **1403 N. Lincoln Street**, John Seeber. Request for an extension of time to complete repairs. pp. 45-52
- (7) 12-TV-86 **507 S. Fess Avenue**, Asset Management Services. Request for an extension of time to complete repairs. pp. 53-58
- (8) 12-TV-88 **118 E. 17th Street**, Lance Weidner. Request for an extension of time to complete repairs. pp. 59-70
- (9) 12-TV-89 **513-519 E. 2nd Street**, Crown Management. Request for an extension of time to complete repairs. pp. 71-86
- (10) 12-TV-90 **426 E. Dodds Street**, Phuc Q. Phan. Request for an extension of time to complete repairs. pp. 87-92
- (11) 12-RV-91 **103 E. 16th Street**, H.A.N.D.. Request to rescind a variance. pp. 93-95
- (12) 12-TV-92 **2313 S. Rockport Road**, Forum Credit Union. Request for an extension of time to complete repairs. pp. 96-104
- (13) 12-V-93 **111 E. 10th Street**, Jerry M. Fox. Request for a modification or exception to the Housing Property Maintenance Code. pp. 105-111

V. **GENERAL DISCUSSION**

VI. PUBLIC COMMENT

VII. ADJOURNMENT

**BHQA CONSENT AGENDA
CITY HALL McCLOSKEY CONFERENCE ROOM
July 18, 2012, 4:00 P.M.**

Relief from Administrative Decision

- (4) 12-AA-83 **508 W. Northlane Drive**, Rick Halterman. Request for relief from an administrative decision. pp. 35-38

Extension of time – State Variance

- (5) 12-TV-84 **506 W. Northlane Drive**, Marios Fellouka. Request for an extension of time to complete repairs. pp. 39-44
- (6) 12-TV-85 **1403 N. Lincoln Street**, John Seeber. Request for an extension of time to complete repairs. pp. 45-52
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- (8) 12-TV-88 **118 E. 17th Street**, Lance Weidner. Request for an extension of time to complete repairs. pp. 59-70

Extension of time – Complete Repairs

- (10) 12-TV-90 **426 E. Dodds Street**, Phuc Q. Phan. Request for an extension of time to complete repairs. pp. 87-92
- (12) 12-TV-92 **2313 S. Rockport Road**, Forum Credit Union. Request for an extension of time to complete repairs. pp. 96-104

Rescission of Variance

- (11) 12-RV-91 **103 E. 16th Street**, H.A.N.D.. Request to rescind a variance. pp. 93-95

Deny variance

- (13) 12-V-93 **111 E. 10th Street**, Jerry M. Fox. Request for a modification or exception to the Housing Property Maintenance Code. pp. 105-111



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 11-TV-137

Address: 328 S. Grant

Petitioner: Jason L. McAuley, Attorney for Owner

Inspector: John Hewett

Staff Report: September 20, 2011 Cycle w/ Agent
October 6, 2011 Sent report
October 12, 2011 Received Appeal
November 9, 2011 Board Granted extension until August 20, 2012
June 15, 2012 received appeal under old business

The BHQA granted an extension in November to allow the Owner to resolve the window issue by either replacing the windows or receiving a variance from the State of Indiana. Discussions have been on-going and at the suggestion of the HAND director the Owner has asked for additional time under old business.

Staff recommendation: Grant the extension.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: November 20, 2012

Attachments: Cycle Inspection report, Petitioner's letter.



**Application For Appeal
To The
Board of Housing Quality Appeals**

P.O. Box 100

Bloomington, IN 47402

812-349-3420

hand@bloomington.in.gov

RECEIVED
JUN 10 2012

BY: _____

Property Address: 332 S. Grant Street, Bloomington, IN 47401

Petitioner's Name: Jason L. McAuley, Attorney for Owner

Address: 320 W 8th ST STE 118

City: Bloomington

State: Indiana

Zip Code: 47404

Phone Number: (812) 822-2526

E-mail Address: jason@mcauleylawoffices.com

Owner's Name: Mara Jade Holdings, LLC

Address: 404 E. 75th ST Apt 5E

City: New York

State: New York

Zip Code: 10021

Phone Number: 212-772-2001

E-mail Address: michael@michaelbrams.com

Occupants: A: Casey Troyer; Cameron Robinson; Jordon Green; Joshua Lipton; Kevin McKibbon
B: Alyssa Harms; Amy Cherner; K. Havlat; K. Gillis; L. Goldenberg

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

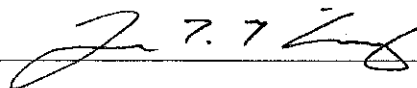
Petition Number: 11-TV-138

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Cycle Inspection Report dated 10-06-2011 cites the windows in the: S center bedroom & bath; SW bedroom; N bedroom & bath; and SE bedroom & bath as not meeting the emergency egress requirements. Cycle Inspection Report dated 10-06-2011 cites the windows in the: NW; NE; SE and S center bedrooms as not meeting the emergency egress requirements. On 11-9-11, the BHQA granted the owner an extension to 8-20-12 for the owner to complete repairs or determine the necessity of or existence of a variance from the Indiana Fire Prevention and Building Safety Commission. The Owner requests the Board grant an additional extension of time to complete the repairs or to determine the existence or necessity of a state variance until 11-20-2012.

Signature (Required):



Name (Print): Jason L. McAuley, Attorney for Owner Mara Jade Holdings, LLC

Date: 6/15/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Amended Cycle Report
Amended 10/31/2011

489

OWNERS

=====

Mara Jade Holdings, Llc
404 E. 75th St., Apt 5e
New York, NY 10021

AGENT

=====

Jamar Property Mgmt. Co.
P.O. Box 7812
Bloomington, IN 47407

Prop. Location: 332 S Grant ST
Date Inspected: 09/20/2011
Inspectors: John Hewett
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 2 / 1
Number of Bedrooms: 5 each
Max # of Occupants: 5 each
Foundation Type: Basement
Attic Access: Yes
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 2005.
Minimum requirements for emergency egress windows at the time of construction.

Openable area required: 5.0 sq. ft. for grade floors, 5.7 sq. ft. for all other floors
Clear width required: 20"
Clear height required: 22"
Maximum Allowable Sill Height: 44" above finished floor

The windows were re-measured on 10-26-2011.

Interior

Unit A

Living room

20-9 x 13-0

No violations noted.

Kitchen/ Dining room

25-7 x 18-7

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be

401 N. Morton
PO Box 100
Bloomington, IN 47402

City Hall

www.bloomington.in.gov/hand

Rental Inspections: (812) 349-3420
Housing Division: (812) 349-3401
Fax: (812) 349-3582

recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Install a cable clamp where the power supply enters the garbage disposal. PM-605.1

Bathroom

No violations noted.

Bedroom

13-0 x 13-0

Existing Egress Window Measurements:

Height: 29 inches

Width: 33 inches

Sill Height: 21 inches

Openable Area: 6.64 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

2nd Floor

Hall Bathroom

No violations noted.

S center bedroom & bath 14-0 x 13-0, SW bedroom 14-1 x 13-0, N bedroom & bath 9-5 x 10-3, SE bedroom & bath 14-10 x 12-10

Existing Egress Window Measurements:

Height: 25.25 inches

Width: 32.75 inches

Sill Height: 24 inches

Openable Area: 5.74 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Study (NW room)

13-0 x 11-0

No violations noted.

Unit B (basement unit)

Living room

19-4 x 16-10

No violations noted.

Kitchen

15-4 x 10-9

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be

recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

SW bedroom

10-10 x 10-0

Existing Egress Window Measurements:

Height: 25.25 inches

Width: 32.75 inches

Sill Height: 24 inches

Openable Area: 5.74 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

NW bedroom

10-10 x 9-10

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2005:

Openable area required:	5.7 sq. ft.	Existing area:	7.29 sq. ft.
Clear width required:	20"	Existing width:	30"
Clear height required:	22"	Existing height:	35"
Maximum sill height:	44" above finished floor	Existing sill:	48"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the Department of Homeland Security on the Fire Prevention and Building Safety Commission's web site at www.in.gov/dhs/2375.htm. Scroll down to Downloadable Forms and Documents and click on Variance Application and Instructions. If you need any further clarification, the Commission can be reached at 317.233.5341.

NE bedroom

12-2 x 11-0

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2005:

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SE bedroom

10-0 x 10-11

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S center bedroom

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Loft

13-4 x 13-4

No violations noted.

Exterior

No violations noted.

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

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Staff recommendation: Grant the extension.

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Compliance Deadline: November 20, 2012

Attachments: Cycle Inspection report, Petitioner's letter.

Handwritten signature/initials.



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

RECEIVED
JUN 17 2012

Property Address: 328 S. Grant Street, Bloomington, IN 47401

BY: _____

Petitioner's Name: Jason L. McAuley, Attorney for Owner

Address: 320 W 8th ST STE 118

City: Bloomington

State: Indiana

Zip Code: 47404

Phone Number: (812) 822-2526

E-mail Address: jason@mcauleylawoffices.com

Owner's Name: Mara Jade Holdings, LLC

Address: 404 E. 75th ST Apt 5E

City: New York

State: New York

Zip Code: 10021

Phone Number: 212-772-2001

E-mail Address: michael@michaelbrams.com

Occupants: A: Michael Mulica; Robert White; Ross Modjeska; Chris Ortmann; Matt Robinson
B: K. Boughey; C. Fangman; Adam Burchfield; Lukas Higgins; Phil Ganter

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

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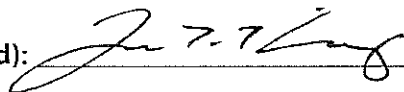
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Signature (Required):



Name (Print): Jason L. McAuley, Attorney for Owner Mara Jade Holdings, LLC

Date: 6/15/12

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Print Form



City of Bloomington
Housing and Neighborhood Development

NOV 07 2011

Amended Cycle Report
Amended 10/31/2011

7701

OWNERS

Mara Jade Holdings, LLC
404 E. 75th St., Apt 5e
New York, NY 10021

AGENT

Jamar Property Mgmt. Co.
P.O. Box 7812
Bloomington, IN 47407

Prop. Location: 328 S Grant ST
Date Inspected: 09/20/2011
Inspectors: John Hewett
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 2 / 1
Number of Bedrooms: 5 each
Max # of Occupants: 5 each
Foundation Type: Basement
Attic Access: Yes
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 2005.
Minimum requirements for emergency egress windows at the time of construction.

Openable area required: 5.0 sq. ft. for grade floors, 5.7 sq. ft. for all other floors
Clear width required: 20"
Clear height required: 22"
Maximum Allowable Sill Height: 44" above finished floor

The windows were re-measured on 10-26-2011.

Interior

Unit A

Living room

20-9 x 13-0

No violations noted.

401 N. Morton
PO Box 100
Bloomington, IN 47402

City Hall

www.bloomington.in.gov/hand

Rental Inspections: (812) 349-3420
Housing Division: (812) 349-3401
Fax: (812) 349-3582

Kitchen/ Dining room

25-7 x 18-7

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Repair the malfunctioning light fixture. PM-605.1

Bathroom

No violations noted.

Bedroom

13-0 x 13-0

Existing Egress Window Measurements:

Height: 29 inches

Width: 33 inches

Sill Height: 21 inches

Openable Area: 6.64 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

2nd Floor

Hall Bathroom

No violations noted.

S center bedroom & bath 14-0 x 13-0, SW bedroom 14-1 x 13-0, N bedroom & bath 9-5 x 10-3, SE bedroom & bath 14-10 x 12-10

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Study (SW room)

9-4 x 9-4

No violations noted.

SW bedroom

10-10 x 10-0

Existing Egress Window Measurements:

Height: 25.25 inches

Width: 32.75 inches

Sill Height: 24 inches

Openable Area: 5.74 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

NW bedroom

10-10 x 9-10

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2005:

Openable area required:	5.7 sq. ft.	Existing area:	7.29 sq. ft.
Clear width required:	20"	Existing width:	30"
Clear height required:	22"	Existing height:	35"
Maximum sill height:	44" above finished floor	Existing sill:	48"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

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NE bedroom

12-2 x 11-0

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-------------------------	-------------	----------------	--------------

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SE bedroom

10-0 x 10-11

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The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the Department of Homeland Security on the Fire Prevention and Building Safety Commission's web site at www.in.gov/dhs/2375.htm. Scroll down to Downloadable Forms and Documents and click on Variance Application and Instructions. If you need any further clarification, the Commission can be reached at 317.233.5341.

S center bedroom

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2005:

Openable area required:	5.7 sq. ft.	Existing area: 7.29 sq. ft.
Clear width required:	20"	Existing width: 30"
Clear height required:	22"	Existing height: 35"
Maximum sill height:	44" above finished floor	Existing sill: 48"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the Department of Homeland Security on the Fire Prevention and Building Safety Commission's web site at www.in.gov/dhs/2375.htm. Scroll down to

Downloadable Forms and Documents and click on Variance Application and Instructions. If you need any further clarification, the Commission can be reached at 317.233.5341.

Loft

13-4 x 13-4

No violations noted.

Exterior

No violations noted.

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Variance**

Meeting Date: July 18, 2012

Petition Type: A modification or exception to the Property Maintenance Code

Variance Request: To allow a bedroom not meeting minimum size requirements

Petition Number: 12-V-72

Address: 432 S. College

Petitioner: Hallmark Rentals

Inspector: Robert Hoole

Staff Report: March 7, 2012 Cycle inspection report mailed
May 10, 2012 Appeal filed

During the cycle inspection it was noted that due to the installation of a divider installed in apartment 6 the bedroom size is 56 square feet. PMC requires that bedrooms contain a minimum of 70 square feet of floor space. The petitioner is requesting a variance to allow the divider to remain in place as it also functions as a shelving unit and closet and the tenant does not want it removed.

NOTE: The unit was remeasured July 12, 2012 and it was noted that the bedroom area is actually 56 square feet, not 63 square feet as was indicated on the previous BHQA staff report, and a built-in bed covers a great deal of this area.

Staff recommendation: Grant the variance

Conditions: None

Compliance Deadline:

Attachments: Cycle inspection report, appeal form, floor plan



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
MAY 10 2012
BY: _____

Property Address: 432 S College Ave

Petitioner's Name: Monroe County Convention Center Bldg Corp. c/o Hallmark Rentals

Address: 1205 N Walnut Street

City: Bloomington State: Indiana Zip Code: 47404

Phone Number: (812) 334-8819 E-mail Address: charlotte@hallmarkrentals.com

Owner's Name: Monroe County Convention Center Bldg Corp.

Address: 302 S College Ave

City: Bloomington State: Indiana Zip Code: 47403

Phone Number: 812-336-3681 E-mail Address: tcoppock@bloomingtonconvention.com

Occupants: Sherri Norris

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A modification or exception to the Housing Property Maintenance Code. (Petition Type: V)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-V-72

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

We are requesting a variance to code number PM-404.4.1 for apartment #6. The inspector informed us that a divider wall in the bedroom needed to be removed to be in compliance. The divider wall is also a shelving system used by the tenant for storage and as an entertainment center. She has expressed her unhappiness with the required removal of the wall. The wall has been present by all indications for a long time. Our maintenance company, General Repair Service, has warned that the price to remove the wall will be costly. The Monroe County Convention Center Building Corporation is requesting a variance for removal of wall. We respectfully ask that the wall be allowed to remain as is.

Signature (Required):

Charlotte White

Name (Print):

Charlotte White

Date:

5/3/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



**City of Bloomington
Housing and Neighborhood Development**

Amended Cycle Report

204

OWNERS

=====

Monroe County Convention Center Building Corp.
302 S. College Avenue
Bloomington, IN 47403

AGENT

=====

Hallmark Rentals
1205 N. Walnut St.
Bloomington, IN 47404

Prop. Location: 432 S College AVE

Number of Units/Structures: 8/1

Units/Bedrooms/Max # of Occupants: 1/2/3 1/2/2 1/1/1 3/1/2 1/3/3 1/2/4

Date Inspected: 02/24/2012

Primary Heat Source: Gas

Property Zoning: CD

Number of Stories: 2

Inspectors: Robert Hoole

Foundation Type: Basement

Attic Access: No

Accessory Structure:

VARIANCE

=====

08/10/1995 Special exception to passing through a bedroom to gain access to other habitable space, with the condition that unit #5 remain a two-bedroom unit.

INTERIOR

5

Southwest bedroom (12 x 8, 6 x 5)

This room has a door to the exterior for emergency egress.

Repair the north window on the west wall to open and close as intended. PM-303.13.2

Remove the unused soft copper gas line sticking out of the north wall below the window. PM-102.8

Kitchen (13 x 10)

Locks on egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort (**door from kitchen to bedroom where exterior door is located**). PM-702.3

Living room (15 x 17)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Bath

Repair the toilet to eliminate unnecessary water use. PM-504.1

Southeast bedroom (11 x 9)

This room has a door to the exterior for emergency egress.

Replace the deteriorated exterior door. PM-303.15

Provide operating power to smoke detector. PM-704.1

2

Kitchen (7 x 9)

No violations noted.

Living room (14 x 17)

Balcony off of living room

Repair the guardrails to be sturdy and capable of supporting anticipated loads. PM-303.12

Eliminate the trip hazard where the plywood floor has warped and buckled. PM-303.10

Bath

Repair the entry door to latch as intended. PM-304.6

Properly repair the deteriorated subfloor between the toilet and the shower. PM-304.2

Central bedroom (8 x 10)

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

West bedroom (8 x 10)

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

Entry hallway

Eliminate the holes in the walls. PM-304.3

Repair the entry door to be weather tight. PM-303.15

6

Living room (9 x 10)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Repair the west window on the south wall to open and close as intended and to remain fully open using hardware that is part of the window. PM-303.13.2

Kitchen (5 x 5)

Repair the stove so that all burners ignite and function as intended. PM-603.1

Bath

There is no receptacle in this room. Install a GFCI-protected receptacle. PM-605.2

Repair the entry door to open, close, and latch as intended, and secure the loose knob. PM-304.6

Repair the light over the sink to function as intended. PM-605.1

Bedroom (7 x 9)

Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof. Use of this room for sleeping purposes without complying with the minimum square footage requirements shall be contingent upon securing a variance to the Property Maintenance Code from the Board of Housing Quality Appeals (BHQA). PM-404.4.1

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

Basement

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Replace the deteriorated southeast water heater. PM-603.1

Thoroughly clean and service the boiler, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

1

Living room (14 x 13)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Secure the loose receptacle adjacent to the exterior door. PM-605.1

Bath

Repair the window crank to function as intended. PM-303.13.2

Replace the deteriorated tub. PM-304.3

Properly ground the electrical receptacle above the sink and provide GFCI protection. If the receptacle is on an ungrounded system, it is acceptable to install a GFCI receptacle. PM-605.2

Kitchen (6 x 4)

No violations noted.

Bedroom (14 x 10)

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

Properly ground the electrical receptacle on the west wall. If the receptacle is on an ungrounded system, it is acceptable to install a 2-pole, ungrounded receptacle, or a GFCI receptacle. PM-605.1

8

Living room (15 x 8)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Kitchen (11 x 6)

No violations noted.

Bedroom (14 x 11)

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

Bath

No violations noted.

7

Living room (15 x 7)

Repair the exterior door to be weather tight. PM-303.15

Repair the window to be weather tight. PM-303.15

Kitchen (8 x 5)

No violations noted.

Bedroom (10 x 16)

Existing Egress Window Measurements:

Height: 43 inches
Width: 21 inches
Sill Height: 33 inches
Openable Area: 6.27 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bath

No violations noted.

3

East living room (15 x 7, 7 x 6)

Repair the north window to be weather tight. PM-303.15

Properly ground the electrical receptacle below the air conditioner. If the receptacle is on an ungrounded system, it is acceptable to install a 2-pole, ungrounded receptacle, or a GFCI receptacle. PM-605.1

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

West living room (16 x 12)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

Kitchen (11 x 4)

Secure the loose receptacle adjacent to the sink. PM-605.;1

West bedroom (7 1/2 x 12)

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that sleeping room egress windows be installed to aid in emergency escape. BMC-16.04.400 (b)

Bath

Repair the window to close completely and to be weather tight. PM-303.15

Northeast bedroom (8 x 14)

Provide operating power to smoke detector. PM-704.1

Existing Egress Window Measurements:

Height: 46 inches
Width: 34 inches
Sill Height: 32 inches
Openable Area: 10.86 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Southeast bedroom (8 x 9)

Existing Egress Window Measurements:

Height: 46 inches
Width: 34 inches
Sill Height: 32 inches
Openable Area: 10.86 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

4

West bedroom (12 x 17)

This room has a door to the exterior for emergency egress.

Repair the exterior door to be weather tight. PM-303.15

Living room (11 x 14)

Install a smoke detector in an approved location. If wall mounted, it shall be located between 4 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall.

PM-704.1

Kitchen (6 x 12)

No violations noted.

Room south of kitchen (8 ½ x 10)

No violations noted.

Bath

No violations noted.

Hallway adjacent to bath

Provide operating power to smoke detector. PM-704.1

East bedroom (14 x 12)

This room has a door to the exterior for emergency egress.

Attached garage

This unit/room was not inspected at the time of this inspection, as it was not accessible. This unit/room must be inspected and brought into compliance with-in the same 60 day deadline as the remainder of this property. This applies even if the tenants do not have access to this area of the property. PM-104.4

NOTE: On 3/27/2012 the garage was inspected.

Provide a complete directory of all service panels and circuits. PM-605.1

EXTERIOR

Provide a unit identification number at the entrance to unit 1. PM-102.8

Label the electrical disconnects to indicate which units they serve. PM-605.1

OTHER REQUIREMENTS

Complete the enclosed registration form. A street address is required for both owner and agent. **This form must be signed by the owner.** BMC16.12.060

Required documentation:

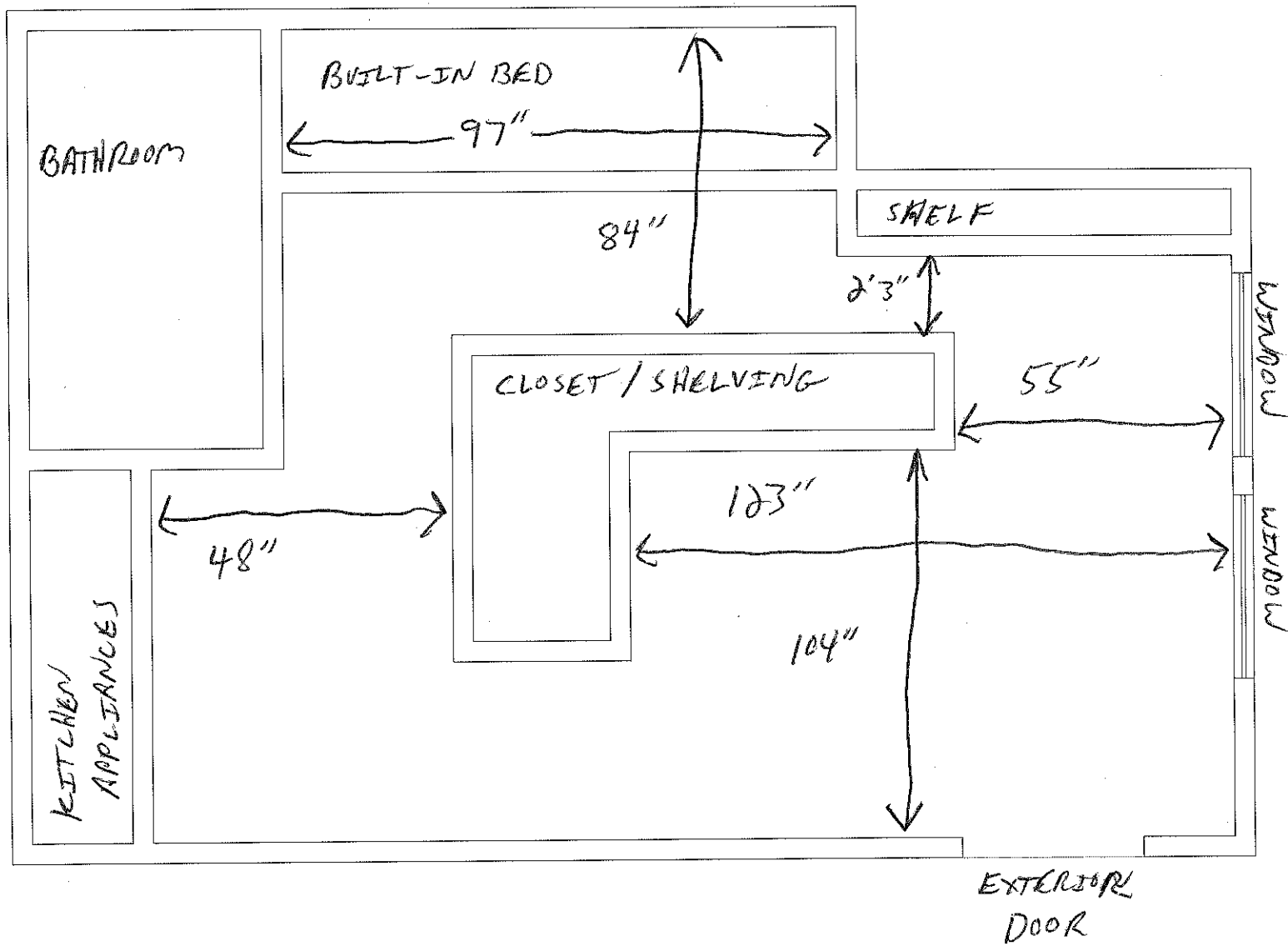
A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a **\$25.00 fine will be levied.** BMC 16.12.050 (d)

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of**

the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)





City of Bloomington
H.A.N.D.

Board of Housing Quality Appeals
Staff Report: Petition for Relief from an Administrative Decision

Meeting Date: July 18, 2012

Petition Type: Relief from an administrative decision

Variance Request: Relief from loss of 5 year permit length.

Petition Number: 12-AA-83

Address: 508 W. Northlane Drive

Petitioner: Rick Halterman

Inspector: Maria McCormick

Staff Report: February 13, 2012 Completed Cycle inspection
April 6, 2012 State Variance Approve by the State
April 20, 2012 HAND Received State Variance Paperwork for
Mr. Halterman's properties
April 23, 2012 60 Day cycle deadline (was actual 4/21/2012 but that was
a Saturday)
April 26, 2012 Received the State Variance paperwork for 508

During the cycle inspection it was noted that the egress windows did not meet state building code for the time of construction. The Petitioner is seeking relief from an administrative decision to be allowed to keep his 5 year permit. He owns 17 units in this complex and received window variances from the state for each of them. When he sent the paper work for the variances into HAND he simply forwarded what the state had sent him, with out checking to make sure that all 17 variances were there. He does not feel that he should be penalized the length of his permit because by the time he got the variance paperwork into HAND for 508 W. Northlane Dr. he was outside of his 60 day deadline and based on the code that takes him down to a 3 year permit.

Staff recommendation: Deny the relief from administrative decision.

Conditions: none

Compliance Deadline: none

Attachments: Application for Appeal

RECEIVED
MAY 25 2012

BY: _____

**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

Property Address: 508 W Northlane DR Bloomington IN 47404

Petitioner's Name: Rick Halterman

Address: 486 Pebble Way

City: Greenwood

State: Indiana

Zip Code: 46142

Phone Number: (812) 340-4213

E-mail Address: crimsongroup@msn.com

Owner's Name: Rick Halterman

Address: 486 Pebble Way

City: Greenwood

State: Indiana

Zip Code: 46142

Phone Number: 812-340-4213

E-mail Address: crimsongroup@msn.com

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Relief from an administrative decision. (Petition Type: AA)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-AA-83

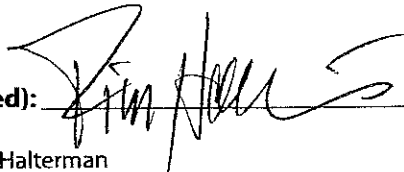
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

I was only given a 3 year permit instead of the 5year and was told it was because my variance did not meet the deadline. I have 17 properties that I requested a variance for and received said variances from the Indiana Fire Safety and Building Safety Commission. I immediately forward to Hand to satisfy the sighting on the units. I was then notified that one of the units (508 W Northlane) was not included in the packet I sent. I immediately contacted the commission and told them it was missing. They immediately emailed it to me and I forward to HAND. Now I am told that delay is causing me to not have my 5year permit. I don't believe this is fair treatment for the oversight by the Commission and request I receive a 5 year permit for this property.

Signature (Required):



Name (Print): Rick Halterman

Date: 5/23/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: 18 July 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-084

Address: 506 W. Northlane Dr.

Petitioner: Marios Fellouka

Inspector: Michael Arnold

Staff Report: 30 April 2012 Cycle Inspection
 09 May 2012 Inspection Report Sent
 30 May 2012 Received Appeal

During the cycle inspection report it was noted that the egress windows did not meet the minimum requirements for egress at the time of construction. The petitioner is requesting additional time to apply for a variance from the Department of Homeland Security. The required and actual window measurements are as follows:

Required:	Existing:
Height: 22 inches	Height: 20.25 inches
Width: 20 inches	Width: 34.5 inches
Sill Height: 44 inches above finished floor	Sill Height: 36 inches above finished floor
Openable Area: 5.70 sq. ft.	Openable Area: 4.85 sq. ft.

Staff recommendation: Grant the variance for extension of time

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

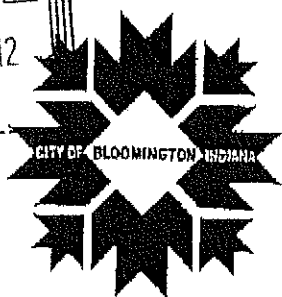
jr

Compliance Deadline: 20 August 2012

Attachments: Application, Cycle Inspection

RECEIVED
MAY 30 2012

BY: _____



Page 1 of 2

Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 506 Northlawn Dr, Bloomington IN 47404

Petitioner's Name: Marios Fellauka

Address: 581 E. Hillside Dr. Apt #202

City: Bloomington State: IN Zip Code: 47401

Phone Number: 317 379-6357 E-mail Address: mfellauk@indiana.edu

Owner's Name: Marios Fellauka

Address: 581 E Hillside Dr. Apt #202

City: Bloomington State: IN Zip Code: 47401

Phone Number: 317 379 6357 E-mail Address: mfellauk@indiana.edu

Occupants: Vacant

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: A → An extension of time to complete repairs

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-TV-84

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 1. Specify the items that need the extension of time to complete.
 2. Explain why the extension is needed.
 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 1. Specify the code reference number you are appealing.
 2. Detail why you are requesting the variance.
 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 1. Detail the existing variance.
 2. Specify the reason the variance is no longer needed.

I am requesting an extension for all egress windows for unit 506 Northlane Dr. I need to file an application for variance with the Commission - (it's very expensive to replace the windows and also all windows in all buildings need to match) but first I need to have the Monroe County Building Dept and Fire Dept sign off and then submit the application. I'm asking for the extension to be until end of August because Commission meets only once a month.

Thank you.

Signature (Required): *M. Fellaka*

Name (Print): Marios Fellaka

Date: 5/1/12

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

4631

OWNERS

=====

Fellouka, Marios
581 E. Hillside Drive Apt. 202
Bloomington, IN 47401

Prop. Location: 506 W Northlane DR
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/3/5

Date Inspected: 04/30/2012
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Inspectors: Mike Arnold
Foundation Type:
Attic Access: Yes
Accessory Structure: none

Monroe County records show this structure was built in 1993. The minimum emergency egress requirements at the time of construction were as follows:

Height: 22 inches
Width: 20 inches
Sill Height: 44 inches
Openable Area: 5.70 sq. ft.

Interior:

Main Level:

Living Room (18-0 x 15-0):

No violations noted

Kitchen:

A minimum **1A 10BC** classification fire extinguisher shall be mounted in a visible, accessible location, in or adjacent to the kitchen, away from the range, and in the path of egress. **The securing mechanism must be no more than 5 feet above the floor. PM-704.3.**

Laundry Room/Bathroom:

Dryer shall be exhausted to the exterior of the structure. PM-603.1

Upper Level:

Existing Egress Window Measurements:

Height: 20.25 inches
Width: 34.5 inches

Sill Height: 36 inches
Openable Area: 4.85sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

The emergency egress window does not meet the minimum requirements for a one and two family dwelling/multi-unit structure built in 1993. The relevant code is the 1991 Indiana Residential Code Section: R310.1.

Openable area required:	5.70sq. ft.	Existing area:	4.85 sq. ft.
Clear width required:	20"	Existing width:	34.5"
Clear height required:	22"	Existing height:	20.25"
Maximum sill height:	44" above finished floor	Existing sill:	36"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Master Bedroom (15-0 x 10-4), Right Rear Bedroom (12-5 x 8-9), Left Rear Bedroom (12-5 x 9-10):

No violations noted

Attic:

Re-attach the loose/falling drywall to the underside of the roof structure along the firewall separation. PM-703.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-85

Address: 1403 N. Lincoln

Petitioner: Pavilion Properties Mgt.

Inspector: Robert Hoole

Staff Report: January 10, 2012 Cycle inspection report mailed
March 30, 2012 Reinspection conducted
June 1, 2012 Appeal filed

The petitioner is requesting an extension of time to secure an egress variance from the State of Indiana for windows not meeting minimum requirements at the time of construction.

Monroe County Assessor's records indicate this structure was built in 2002.
Minimum requirements for emergency egress windows at the time of construction.

Openable area required: 5.0 sq. ft. for grade floors, 5.7 sq. ft. for all other floors
Clear width required: 20"
Clear height required: 22"
Maximum Allowable Sill Height: 44" above finished floor

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2002:

Openable area required (2 nd floor):	5.7sq. ft.	Existing area: 5.07 sq. ft.
Clear width required:	20"	Existing width: 30 ¾ "
Clear height required:	22"	Existing height: 23 ¾ "
Maximum sill height:	44" above finished floor	Existing sill: 23 ½ "

Staff recommendation: Grant the extension of time

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: September 18, 2012

Attachments: Appeal form, remaining violations report

RECEIVED
JUN 01 2012

BY: _____



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 1403 N. Lincoln

Petitioner's Name: Pavilion Properties, MBT, LLC

Address: 601 N. Walnut

City: Bloomington State: IN Zip Code: 47404

Phone Number: 333-2332 E-mail Address: _____

Owner's Name: John Seiber

Address: P.O. Box 366

City: Bloomington State: IN Zip Code: 47402

Phone Number: _____ E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: TV

Reminder:
A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-85

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Request An Extension to pursue a STATE
Variance on window size.

Total of 6 months

Signature (Required):

Name (Print):

Mark Hoffman

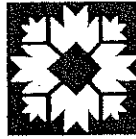
Date:

6/1/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Remaining Violation Report
Reinspected 3/30/2012

APR 03 2012

6568

OWNERS

=====

Seeber, John E.
P.O. Box 366
Bloomington, IN 47402

AGENT

=====

Pavilion Properties
601 N. Walnut St
Bloomington, IN 47404

Prop. Location: 1403 N Lincoln ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/6/5

Date Inspected: 01/04/2012
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Inspectors: Robert Hoole
Foundation Type: Basement
Attic Access: Yes
Accessory Structure:

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

Monroe County Assessor's records indicate this structure was built in 2002.
Minimum requirements for emergency egress windows at the time of construction.

Openable area required: 5.0 sq. ft. for grade floors, 5.7 sq. ft. for all other floors
Clear width required: 20"
Clear height required: 22"
Maximum Allowable Sill Height: 44" above finished floor

INTERIOR:

2nd Floor:

Southwest Bedroom:

10 x 10

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2002:

Openable area required (2 nd floor):	5.7sq. ft.	Existing area: 5.07 sq. ft.
Clear width required:	20"	Existing width: 30 ¾ "
Clear height required:	22"	Existing height: 23 ¾ "
Maximum sill height:	44" above finished floor	Existing sill: 23 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Center Bedroom:

10 x 10

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2002:

Openable area required (2 nd floor):	5.7sq. ft.	Existing area: 5.07 sq. ft.
Clear width required:	20"	Existing width: 30 ¾ "

Clear height required:	22"	Existing height: 23 ¾ "
Maximum sill height:	44" above finished floor	Existing sill: 23 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b). The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Southeast Bedroom:
10 x 10

Repair the entry door to open and close and latch as intended. PM-304.6

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2002:

Openable area required (2 nd floor):	5.7sq. ft.	Existing area: 5.07 sq. ft.
Clear width required:	20"	Existing width: 30 ¾ "
Clear height required:	22"	Existing height: 23 ¾ "
Maximum sill height:	44" above finished floor	Existing sill: 23 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b). The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Northeast Bedroom:
10 x 10

The emergency egress window does not meet the minimum requirements for a one and two family dwelling built in 2002:

Openable area required (2 nd floor):	5.7sq. ft.	Existing area: 5.07 sq. ft.
Clear width required:	20"	Existing width: 30 ¾ "
Clear height required:	22"	Existing height: 23 ¾ "
Maximum sill height:	44" above finished floor	Existing sill: 23 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b). The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

OTHER REQUIREMENTS

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-86

Address: 507 S. Fess

Petitioner: Dan Smith

Inspector: Robert Hoole

Staff Report: January 24, 2012 Cycle inspection report mailed
April 2, 2012 Reinspection conducted
June 4, 2012 Appeal filed

The petitioner is requesting an extension of time to secure an egress variance from the State of Indiana for windows not meeting minimum requirements at the time of construction.

Monroe County Assessor's records indicate this structure was built in 1965.
There were no requirements for emergency egress at the time of construction.

Existing Egress Window Measurements (1st and 2nd floor):

Height: 13 inches
Width: 27 ½ inches
Sill Height: 43 inches
Openable Area: 2.48 sq. ft.

Existing Egress Window Measurements (basement units except #14):

Height: 13 inches
Width: 27 ½ inches
Sill Height: 54 inches
Openable Area: 2.48 sq. ft.

NOTE: These windows were recently replaced. The previous windows had the following dimensions:

Height: 16 inches
Width: 28 inches
Openable Area: 3.01 sq. ft.

The windows were replaced with single-hung windows that are significantly smaller. For that reason, the City will not issue a rental permit until either the windows are altered or replaced to meet the dimensions of the previous windows, or an egress variance with the Indiana Fire and Building Safety Commission is secured. BMC-16.04.020 (b).

Staff recommendation: Grant the extension of time

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: September 18, 2012

Attachments: Appeal form, remaining violations report



**Application For Appeal
To The
Board of Housing Quality Appeals**
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 04 2012

BY: _____

Property Address: 507 S. Fess Ave

Petitioner's Name: Dan Smith

Address: 400 E. 3rd St

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: 332-1509

E-mail Address: dan@crerentals.com

Owner's Name: Asset Management Services

Address: 400 E. 3rd St.

City: Bloomington

State: Indiana

Zip Code: 47401

Phone Number: 332-1509

E-mail Address: dan@crerentals.com

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition Type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-TV-86

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

An extension of time to complete repairs. (Petition type: TV): Casement Windows have been ordered from Rose and Walker Siding Specialties. These windows will measure 34" high and 27.5" wide with an openable area of 6.49 Sq. Ft. Also an appeal has been filed with the State of Indiana for a variance to the minimum sill height requirement. The existing sill height is 54". A step has been permanently attached to the wall directly below the window and was included on a variance to minimum sill height requirement issued by HAND many years ago.

Signature (Required):



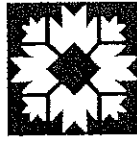
Name (Print): Dan Smith

Date: 5/24/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington Housing and Neighborhood Development

Remaining Violations Report

APR 03 2012

397

OWNERS

=====

Asset Management Services, Llc
400 E. 3rd Street Suite 1
Bloomington, IN 47401

AGENT

=====

Langley, Ashley M.
400 E. 3rd Street Suite 1
Bloomington, IN 47401

Prop. Location: 507 S Fess AVE
Number of Units/Structures: 18/1
Units/Bedrooms/Max # of Occupants: 1, 2 & 3

Date Inspected: 01/17/2012
Primary Heat Source: Gas
Property Zoning: RH
Number of Stories: 2

Inspectors: Robert Hoole/Arnold
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: none

REINSPECTION REQUIRED

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

57

VARIANCE

=====

09/20/1984 Granted variance to allow cooking facilities in sleeping rooms (2 units).

NOTE: Room inventory and dimensions are on file. Only those areas containing violations are listed in this report.

Monroe County Assessor's records indicate this structure was built in 1965. There were no requirements for emergency egress at the time of construction.

Existing Egress Window Measurements (Unit 14 only):

Height: 20 inches
Width: 31 inches
Sill Height: 40 ½ inches
Openable Area: 4.30 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Existing Egress Window Measurements (1st and 2nd floor):

Height: 13 inches
Width: 27 ½ inches
Sill Height: 43 inches
Openable Area: 2.48 sq. ft.

Existing Egress Window Measurements (basement units except #14):

Height: 13 inches
Width: 27 ½ inches
Sill Height: 54 inches
Openable Area: 2.48 sq. ft.

NOTE: These windows were recently replaced. The previous windows had the following dimensions:

Height: 16 inches
Width: 28 inches
Openable Area: 3.01 sq. ft.

The windows were replaced with single-hung windows that are significantly smaller. For that reason, the City will not issue a rental permit until either the windows are altered or replaced to meet the dimensions of the previous windows, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-88

Address: 118 E. 17th Street Apts. A & B

Petitioner: Richard Blackketter

Inspector: Maria McCormick

Staff Report: During the cycle inspection it was noted that the windows in several of the bedrooms do not meet code at the time of construction. The petitioner is requesting an extension of time to secure a variance from the State of Indiana for the egress windows.

2nd Level Front Bedroom –

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum sill height: 44" above finished floor

Existing area: 5.53 sq. ft.

Existing width: 34 ½"

Existing height: 23"

Existing sill: 27"

Basement Rear Bedroom –

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum sill height: 44" above finished floor

Existing area: 5.99 sq. ft.

Existing width: 26 ½"

Existing height: 32 ½"

Existing sill: 48"

Basement Front Bedroom –

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum sill height: 44" above finished floor

Existing area: 5.77 sq. ft.

Existing width: 25 ½"

Existing height: 32 ½"

Existing sill: 48"

JP

Staff recommendation: Grant the extension.

Conditions: The variance must be received no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: September 20, 2012

Attachments: Application for Appeal; Cycle Report



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 07 2012

BY: _____

Property Address: 118 E. 17th

Petitioner's Name: Richard Blacketter

Address: 220 E. 17th

City: Bl

State: In

Zip Code: 47408

Phone Number: 327 9791

E-mail Address: _____

Owner's Name: Lance Weidner

Address: 2004 W. 1st Rd.

City: Bl

State: In

Zip Code: 47405

Phone Number: 327-7859

E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: More Time To Get State
Fire Marshal Variance on Window Size

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-TV-88

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

Need More Time To Get
State Fire Marshal Var. For
Window Size.

Signature (Required):

Name (Print):

Richard Blacketter

Date:

6-7-12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

3574

OWNERS

Weidner, Lance D.
2004 W. That Road
Bloomington, IN 47403

Prop. Location: 118 E 17th ST
Units/Bedrooms/Max # of Occupants: 2/5/5
Date Inspected: 04/13/2012
Primary Heat Source: Electric
Property Zoning: RC
Number of Stories: 2

Number of Units/Structures: 2/1

Inspectors: Maria McCormick
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate that this structure was built in 1991. These are the minimum egress requirements for One and Two family dwellings built between 1990 & 1997:

Clear Height: 24"

Clear Width: 18"

Sill Height: 44" above the finished floor

Openable Area: 4.75 Sq. ft.

INTERIOR:

Apt. A -

Main Level -

Entry; Half Bath:

No violation noted.

Kitchen 10-0 x 5-0:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

63

Living Room/Dining Room:

No violation noted.

2nd Level –

Front Bedroom 8-5 x 14-4:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 5.53 sq. ft.

Clear width required: 18"

Existing width: 34 ½ "

Clear height required: 24"

Existing height: 23"

Maximum sill height: 44" above finished floor

Existing sill: 27"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Middle Bedroom 10-4 x 9-4:

No violation noted.

Existing Egress Window Measurements:

Height: 34 ½ inches

Width: 24 ¾ inches

Sill Height: 27 ½ inches

Openable Area: 5.93 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom:

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

Properly seal the entire perimeter of the tub/shower including the floor. PM-304.3

Repair the bathtub faucet to eliminate the constant dripping. PM-504.1

Rear Bedroom 14-4 x 10-0:

No violation noted.

Existing Egress Window Measurements:

Height: 34 ½ inches

Width: 24 ¾ inches

Sill Height: 27 ½ inches

Openable Area: 5.93 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Basement --

Rear Bedroom 15-5 x 10-2:

Properly repair or replace loose, damaged, or missing floor covering. PM-304.4

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 5.99 sq. ft.

Clear width required: 18"

Existing width: 26 ½ "

Clear height required: 24"

Existing height: 32 ½ "

Maximum sill height: 44" above finished floor

Existing sill: 48"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Mechanical Closet:

Install a TPR Tube on the water heater. Temperature/pressure relief (TPR) valve discharge tubes:

- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. PM-505.4

Bathroom:

Secure toilet to its mountings. PM-504.1

Properly seal the entire perimeter of the tub/shower including the floor. PM-304.3

Front Bedroom:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 5.77 sq. ft.

Clear width required: 18"

Existing width: 25 ½ "

Clear height required: 24"

Existing height: 32 ½ "

Maximum sill height: 44" above finished floor

Existing sill: 48"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Apt. B –

Main Level –

Entry:

No violation noted.

Half Bath:

Repair or replace door knob/lock assembly in a manner so that it functions as intended. PM-102.8 & PM-304.6

Kitchen 10-0 x 5-0:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

Living Room/Dining Room:

Properly repair, then clean and surface coat damaged or stained ceiling area. PM-304.3

2nd Level –

Front Bedroom 8-5 x 14-4:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 5.47 sq. ft.

Clear width required: 18"

Existing width: 34 ½ "

Clear height required: 24"

Existing height: 22 ¾ "

Maximum sill height: 44" above finished floor

Existing sill: 27"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Middle Bedroom 10-4 x 9-4:

Repair or replace door knob/lock assembly in a manner so that it functions as intended. PM-102.8 & PM-304.6

Replace the broken window glass. PM-303.13

Replace the missing protective cover for the light fixture. PM-605.1

Existing Egress Window Measurements:

Height: 34 ½ inches

Width: 24 ¾ inches

Sill Height: 27 ½ inches

Openable Area: 5.93 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom:

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

Properly seal the entire perimeter of the tub/shower including the floor. PM-304.3

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster.
Properly repair the damaged drywall above the shower surround. PM-304.3

Rear Bedroom 14-4 x 10-0:

Clean the heating/air conditioning return grille. PM-603.1

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 5.70 sq. ft.

Clear width required: 18"

Existing width: 34 1/2 "

Clear height required: 24"

Existing height: 23 3/4 "

Maximum sill height: 44" above finished floor

Existing sill: 27"

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Basement --

Rear Bedroom 15-5 x 10-2:

Properly repair or replace loose, damaged, or missing floor covering. PM-304.4

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Existing area: 6.10sq. ft.

Clear width required: 18"

Existing width: 27"

Clear height required: 24"

Existing height: 32 1/2 "

Maximum sill height: 44" above finished floor

Existing sill: 51 1/2 "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or

you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Mechanical Closet:

Install a TPR Tube on the water heater. Temperature/pressure relief (TPR) valve discharge tubes:

- shall not be reduced in size from the valve outlet
- shall be rigid galvanized, rigid copper, or any CPVC pipe
- shall not have a threaded discharge end
- drain by gravity
- shall have a minimum 1" air gap where discharging into a sanitary drain, or an approved air break
- shall extend to within 6" of floor. PM-505.4

Bathroom:

No violation noted.

Front Bedroom:

The emergency egress window does not meet the minimum requirements for a one and two family dwelling. The relevant code is the 210.2 Indiana Residential Code.

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum sill height: 44" above finished floor

Existing area: 5.99 sq. ft.

Existing width: 26 ½ "

Existing height: 32 ½ "

Existing sill: 51 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

EXTERIOR:

Properly repair or replace the rotten and deteriorated stringers for the stairs leading to the front porches of the properties. PM-302.3

Properly repair or replace damaged/deteriorated fascia on the west side of the building in a manner that seals all openings. PM-303.6 & PM-303.7

Properly secure and repair all loose and damaged window screens. PM-303.14

Properly repair or replace damaged or deteriorated siding in a manner that leaves the structure weather tight and excludes the entrance of rodents. This is to be done in a workmanlike manner and includes but is not limited to all damaged or deteriorating siding and structural members. PM-302.7, PM-303.1 & PM-303.4

Repair or replace damaged, deteriorating and missing roofing. This is to be done in a workmanlike manner and includes but is not limited to damaged or deteriorating roofing material, sheathing, and all structural members. PM-303.4 & PM-303.7

Replace the missing protective cover for the exterior light fixture on the east side of the building. PM-605.1

OTHER REQUIREMENTS:

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector **within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-89

Address: 513-519 E. 2nd Street

Petitioner: Crown Management Bloomington, Inc.

Inspector: Maria McCormick

Staff Report: March 5, 2012 Rental Occupancy Permit Expired
March 9, 2012 No Showed for Cycle Inspection
March 22, 2012 No Showed for Cycle Inspection
April 10, 2012 Completed Cycle Inspection
June 18, 2012 Received Application of BHQA Appeal & State Variance Application.

During the cycle inspection it was noted that there were multiple violations, including the egress windows not meeting state building code for the time of construction and violations of Title 20. The petitioner is seeking an extension of time to obtain a state variance. The petitioner would also like to maintain their five year permit, they are dealing with the Planning Dept. to rectify the Title 20 violations and their application states that they have completed all other repairs, however they have not scheduled a re-inspection as of the writing of this report.

Staff recommendation: Grant the extension of time for the receipt of the State Variance and to reach a resolution to the Title 20 violation by September 20, 2012.

Deny the request to maintain a 5 year permit.

fa

Conditions: The State Variance and Title 20 Violations must resolved and paperwork be received no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: September 20, 2012

Attachments: Application of Appeal, Cycle Report, Application for State Variance



**Application For Appeal
To The
Board of Housing Quality Appeals**
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 18 2012

BY: _____

Property Address: 513-519 E. 2nd Street, Bloomington, Indiana

Petitioner's Name: Crown Management Bloomington, Inc.

Address: P.O. Box 1411

City: Bloomington

State: Indiana

Zip Code: 47402

Phone Number: (812) 331-2425

E-mail Address: mkroener@indiana.edu

Owner's Name: Crown Management Bloomington, Inc.

Address: P.O. Box 1411

City: Bloomington

State: Indiana

Zip Code: 47402

Phone Number: 812-331-2425

E-mail Address: mkroener@indiana.edu

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: An extension of time to complete repairs. (Petition type: TV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-89

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

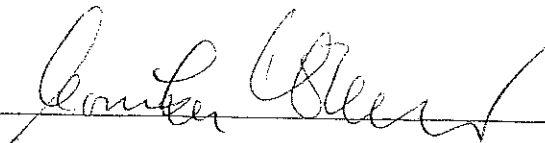
- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

The basis for extension is the Crown Management Bloomington, Inc. has applied for variance on the window measurements which are 23 1/2" instead of 24" located at 513-519 E. 2nd Street, Bloomington, IN and that the pending approval will take a period of 3-4 months. Crown Management Bloomington, Inc. would request an extension until September 5, 2012.

Crown Management Bloomington, Inc. is conferring with the City Planning Department regarding any concern about possible violation of the UDO on occupancy and approved units to resolve any issues there.

All other items noted in HAND's Cycle Inspection Report are completed.

Signature (Required):



Name (Print): Monika Kroener, President of Crown Management Bloomington, IN

Date: 6/11/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

June 15, 2012

City of Bloomington
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402

RE: Crown Management Bloomington, Inc. -Application for Appeal
Property located at: 513-519 E. 2nd Street
Our File No.: 15395-27

To Whom It May Concern:

Enclosed please find an original and one copy of the Application for Appeal for filing. Also enclosed please find a check in the amount of \$20.00 to cover the filing fee. Please return a file-marked copy of the application to our office in the self-addressed, stamped envelope provided herein for your convenience.

If you should have any questions, please do not hesitate to contact our office.

Very truly yours,



Angela F. Parker

AFP/msm

Enclosures

cc: Crown Management Bloomington, Inc.
348080/15395-27

AHMCP

**Andrews, Harrell,
Mann, Carmin & Parker PC**

Legal Solutions. Trusted Counsel. Community Commitment.

Robert D. Mann+
Michael L. Carmin+
Angela F. Parker
Eric P. Slotegraaf*+
+Registered Civil Mediator
**LLM - Taxation*

Benjamin L. Niehoff
Gregory A. Bullman
Justin J. Harrison
Rebecca L. Billick ++
*++Registered Domestic
Relations Mediator*

June 15, 2012

City of Bloomington
Housing and Neighborhood Development
401 N. Morton Street
Bloomington, IN 47404

RE: Crown Management Bloomington, Inc. --Application for Variance
Property located at: 513-519 E. 2nd Street
Our File No.: 15395-27

To Whom It May Concern:

Enclosed please find a copy of the Application for Variance that my client is filing with the Indiana Department of Homeland Security Code Services Section this date.

If you should have any questions, please do not hesitate to contact me directly.

Very truly yours,



Angela F. Parker

AFP/msm

Enclosure

cc: Indiana Department of Homeland Security Code Services Section
348076/15395-27



APPLICATION FOR VARIANCE

State Form 44400 (R5 / 10-10)

Approved by State Board of Accounts, 2008

INDIANA DEPARTMENT OF HOMELAND SECURITY
CODE SERVICES SECTION
402 West Washington Street, Room W246
Indianapolis, IN 46204-2739
http://www.in.gov/dhs/fire/fp_bs_comm_code/



INSTRUCTION: Please refer to the attached four (4) page instructions.
Attach additional pages as needed to complete this application.

Variance number (Assigned by department)

1. APPLICANT INFORMATION (Person who would be in violation if variance is not granted; usually this is the owner)

Name of the applicant Monika Kroener	Title President
Name of organization Crown Management Bloomington, Inc.	Telephone number (812) 331-2425
Address (number and street, city, state, and ZIP code) P.O. Box 1411, Bloomington, IN 47402	

2. PERSON SUBMITTING APPLICATION ON BEHALF OF THE APPLICANT (If not submitted by the applicant)

Name of person on behalf of the applicant Angela F. Parker	Title Attorney
Name of organization Andrews, Harrell, Mann, Carmin & Parker, P.C.	Telephone number (812) 332-4200
Address (number and street, city, state, and ZIP code) 400 West 7th Street, Suite 104, P.O. Box 2639, Bloomington, IN 47402	

3. DESIGN PROFESSIONAL OF RECORD (If applicable)

Name of design professional N/A	License number N/A
Name of organization N/A	Telephone number () N/A
Address (number and street, city, state, and ZIP code) N/A	

4. PROJECT IDENTIFICATION

Name of project 513-519 E. 2nd St.	State project number N/A	County Monroe
Site address (number and street, city, state, and ZIP code) 513-519 E. 2nd Street, Bloomington, Indiana		
Type of project: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Change of occupancy <input checked="" type="checkbox"/> Existing		

5. REQUIRED ADDITIONAL INFORMATION

The following required information has been included with this application (check as applicable):

- ☒ A check made payable to the Indiana Department of Homeland Security for the appropriate amount. (see instructions)
- ☒ One (1) set of plans or drawings and supporting data that describe the area affected by the requested variance and any proposed alternatives.
- ☒ Written documentation showing that the local fire official has received a copy of the variance application.
- ☒ Written documentation showing that the local building official has received a copy of the variance application.

6. VIOLATION INFORMATION

Has the Plan Review Section of the Division of Fire & Building Safety issued a Correction Order?

☐ Yes (if yes, attach a copy of the Correction Order) ☒ No

Has a violation been issued? ☐ Yes (if yes, attach a copy of the Violation and answer the following) ☒ No

Violation issued by: ☐ Local Building Department ☐ State Fire and Building Code Enforcement Section
☐ Local Fire Department

7. DESCRIPTION OF REQUESTED VARIANCE

Name of code or standard and edition involved

~~Indiana Building Code~~

Specific code section

Section 1204

Nature of non-compliance (include a description of spaces, equipment, etc. involved as necessary)

Window measurements for emergency egress does not meet the minimum requirements for a multi-unit structure built in 1984 for Front Bedroom and Rear Bedroom in all units and Middle Bedroom for Units 513-519 only.

8. DEMONSTRATION THAT PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED

Select one of the following statements:

- ☒ Non-compliance with the rule will not be adverse to the public health, safety or welfare; or
- ☐ Applicant will undertake alternative actions in lieu of compliance with the rule to ensure that granting of the variance will not be adverse to public health, safety, or welfare. Explain why alternative actions would be adequate (*be specific*).

Facts demonstrating that the above selected statement is true:

The window opening is 23 1/2" wide and not 24", which does not impede a person's egress (or firefighter's ingress) as needed in an emergency. The square inches total are sufficient for that purpose.

9. DEMONSTRATION OF UNDUE HARDSHIP OR HISTORICALLY SIGNIFICANT STRUCTURE

Select at least one of the following statements:

- ☐ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of physical limitations of the construction site or its utility services.
- ☐ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of major operational problems in the use of the building or structure.
- ☒ Imposition of the rule would result in an undue hardship (*unusual difficulty*) because of excessive costs of additional or altered construction elements.
- ☐ Imposition of the rule would prevent the preservation of an architecturally or a historically significant part of the building or structure.

Facts demonstrating that the above selected statement is true:

The Building has been approved, permitted and licensed for rental occupancy since 1994. The City of Bloomington's notation that the windows required a variance for 1/2" was first issued in April 2012 as it had passed all prior inspections.

10. STATEMENT OF ACCURACY

I hereby certify under penalty of perjury that the information contained in this application is accurate.

Signature of applicant or person submitting application

Please print name

Date of signature (month, day, year)

Angela F. Parker

06/13/2012

Signature of design professional (if applicable)

Please print name

Date of signature (month, day, year)

11. STATEMENT OF AWARENESS (If the application is submitted on the applicant's behalf, the applicant must sign the following statement)

I hereby certify under penalty of perjury that I am aware of this request for variance and that this application is being submitted on my behalf.

Signature of applicant

Please print name

Date of signature (month, day, year)

Monika Kroener, President

06/13/2012



City of Bloomington
Housing and Neighborhood Development

Cycle Report

2564

OWNERS

Crown Management Bloomington, Inc.
P.O. Box 1411
Bloomington, IN 47402

Prop. Location: 513-519 E 2nd ST
Units/Bedrooms/Max # of Occupants: 2/2/4 2/3/5
Date Inspected: 04/10/2012
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Number of Units/Structures: 4/1

Inspectors: Maria McCormick
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

These units have 2/3 approved sleeping rooms. During the cycle inspection, conditions were noted that indicate that this property may be in violation of Bloomington Municipal Code Title 20 with regard to sleeping rooms and density. These units need to be brought into compliance with Title 20 within sixty (60) days from the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department. *The City's Planning Department will be the Department which decides whether or not a violation of Title 20 has occurred and whether or not any violation of Title 20 has been remedied.* For more information, please contact the Planning Department at 349-3423. *Please note that the City of Bloomington Housing and Neighborhood Development Department will not issue a residential rental occupancy permit for any property that is not compliance with Title 20 of the Bloomington Municipal Code.*

Note: Room measurements are in the file.

Monroe County Assessor's records indicate that this structure was built in 1984. These are the minimum requirements for multi-family structures built between 1978 and 1985:

Clear Height: 24"

Clear Width: 18"

Openable Area: 4.75 sq. ft

Sill Height: 48"

Window Measurements for all bedroom windows in all units are the same –

Front Bedroom (all units):

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 4.75 sq. ft.	Existing area: 5.55 sq. ft.
Clear width required: 18"	Existing width: 34"
Clear height required: 24"	Existing height: 23 ½ "
Maximum sill height: 48" above finished floor	Existing sill: 27 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Rear Bedroom (all units):

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 4.75 sq. ft.	Existing area: 5.64 sq. ft.
Clear width required: 18"	Existing width: 34 ½ "
Clear height required: 24"	Existing height: 23 ½ "
Maximum sill height: 48" above finished floor	Existing sill: 27 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

Middle Bedroom (Units 513 & 519 only):

The emergency egress window does not meet the minimum requirements for a multi-unit structure built in 1984. The relevant code is the Indiana Building Code, section: 1204.

Openable area required: 4.75 sq. ft.

Clear width required: 18"

Clear height required: 24"

Maximum sill height: 48" above finished floor

Existing area: 5.43 sq. ft.

Existing width: 34"

Existing height: 23"

Existing sill: 28 ½ "

The emergency egress window does not meet the minimum code requirements for the time the structure was built. For that reason, the City will not issue a rental permit until either the window is altered or replaced to meet the code requirement at the time of construction, or you apply for an egress variance with the Indiana Fire and Building Safety Commission. BMC-16.04.020 (b).

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at www.in.gov/dhs/2375.htm. Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

INTERIOR:

519 –

Main Level -

Entry:

Repair the entry door to be weather tight. No gaps shall be visible around the edges. PM-303.13

Half Bath:

No violation noted.

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Living Room:

Show documentation that the fireplace has been inspected within the last twelve months, or permanently and visibly seal the fireplace to prevent its use. Service and inspection shall include the firebox, damper, chimney and/or flue. Cleaning by a professional service is highly recommended. PM-603.1

Basement –

Stairway:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Repair or replace existing smoke detector in a manner so that it functions as intended. PM-704.1

Main Room (Currently being used as a bedroom):

Replace the missing protective cover for the light fixture. PM-605.1

Repair the hole in the wall. PM-304.3

This room has a door to the exterior for egress.

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Laundry/Mechanical Room:

No violation noted.

2nd Level –

Rear Bedroom:

No other violations noted.

Middle Bedroom:

Every window shall be capable of being easily opened and held in position by its own hardware. PM-303.13.2

Front Bedroom:

Replace the missing outlet cover plate on the north wall. PM-605.1

Bathroom:

No violation noted.

517 –

Main Level -

Entry; Half Bath:

No violation noted.

Living Room:

Interior walls shall be free of holes, cracks, peeling paint and deteriorated drywall/plaster. Properly repair the wall where the old thermostat was removed including properly terminating the low voltage wiring. PM-304.3 & PM-605.1

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Basement --

Stairway:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Main Room (Currently being used as a bedroom):

No violation noted.

This room has a door to the exterior for egress.

Bathroom; Laundry/Mechanical Room:

No violation noted.

2nd Level --

Rear Bedroom; Front Bedroom:

No other violations noted.

Bathroom:

Repair or replace exhaust fan so that it functions as intended. PM-603.1

Properly re-caulk around the countertop to eliminate water infiltration. PM-304.3

515 --

Main Level -

Entry:

Clean the heating/air conditioning return grille. PM-603.1

Half Bath:

Repair or replace the peeling linoleum at the threshold. PM-304.4

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Repair the faucet sprayer on the sink to function as intended by the manufacturer, or remove and properly terminate the line for the sprayer. PM-504.1

Living Room:

No violation noted.

Basement –

Stairway:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Main Room (Currently being used as a bedroom):

No violation noted.

This room has a door to the exterior for egress.

Bathroom:

Repair the surface of the ceiling to be free of holes, cracks, peeling paint and sagging materials. PM-304.3

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Laundry/Mechanical Room:

No violation noted.

2nd Level –

Rear Bedroom:

No other violations noted.

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Front Bedroom:

Repair or replace closet doors so they function as intended. PM-304.6

513 –

Main Level -

Entry; Half Bath:

No violation noted.

Kitchen:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Living Room:

Show documentation that the fireplace has been inspected within the last twelve months, or permanently and visibly seal the fireplace to prevent its use. Service and inspection shall include the firebox, damper, chimney and/or flue. Cleaning by a professional service is highly recommended. PM-603.1

Basement –

Stairway:

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

Main Room (Currently being used as a bedroom):

No violation noted.

This room has a door to the exterior for egress.

Bathroom:

Seal edge of floor covering adjacent to bathtub. PM-304.1

Laundry/Mechanical Room:

No violation noted.

2nd Level –

Rear Bedroom; Middle Bedroom; Front Bedroom:

No other violations noted.

Bathroom:

No violation noted.

EXTERIOR:

Trim all tree branches away from the siding and roofline to maintain a 3' clearance. PM-302.4.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-90

Address: 426 E. Dodds

Petitioner: Phuc Q. Phan

Inspector: John Hewett

Staff Report: March 2, 2012 Cycle Inspection
 March 14, 2012 Report sent
 June 1, 2012 RV report sent- no re-inspection
 June 18, 2012 Received Appeal and Fee

The petitioner is planning to sell this property and does not want to renew the permit on this house. He is asking for an extension of time until the end of the lease on August 20, 2012, when his tenants will move out of the house.

Staff recommendation: Grant the extension.

Conditions: The house shall remain vacant after the tenants move out until sold.

Compliance Deadline: August 20, 2012

Attachments: Cycle Inspection report, Petitioner's letter.



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 18 2012

Property Address: 426 E. DODDS ST. BY: _____

Petitioner's Name: PHUC Q. PHAN

Address: 3321 S. ROLLING OAK DR.

City: BLOOMINGTON State: IN Zip Code: 47401

Phone Number: 333-5192 E-mail Address: pq.phan@yahoo.com

Owner's Name: S.A.A.

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: _____

Occupants: _____

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-TV-90

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

TO WHOM IT MAY CONCERN:

1. I am taking this property off the rental ~~permit~~ market and plan to put it on sale.
2. I currently have tenants occupy this property. And ~~their~~ their lease expire on August 20, 2012.
3. I would like to ~~see~~ request for my rental permit until Aug 20, 2012. And the property will be no longer on the rental permit.

Signature (Required):

Phuc Phan

Name (Print):

PHUC Q. PHAN

Date:

6/18/12

Important information regarding this application format:

1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington Housing and Neighborhood Development

Cycle Report

285

OWNERS

Phan, Phuc Q.
3321 Rolling Oak Drive
Bloomington, IN 47401

Prop. Location: 426 E Dodds ST
Number of Units/Structures: 1/1
Units/Bedrooms/Max # of Occupants: 1/4/3

Date Inspected: 03/02/2012
Primary Heat Source: Gas
Property Zoning: RC
Number of Stories: 1

Inspectors: John Hewett
Foundation Type: Crawl Space
Attic Access: No
Accessory Structure:

Monroe County Assessor's records indicate this structure was built in 1955.
There were no requirements for emergency egress at the time of construction.

Interior

Living room

19-5 x 12-3

Show documentation that the fireplace has been inspected within the last twelve months, or permanently and visibly seal the fireplace to prevent its use. Service and inspection shall include the firebox, damper, chimney and/or flue. Cleaning by a professional service is highly recommended. PM-603.1

Provide operating power to smoke detector. PM-704.1

Kitchen

All fire extinguishers must be inspected every 30 days and a record of that inspection shall be kept. Metal head extinguishers shall be subjected to maintenance at intervals of not more than one (1) year and shall have a tag or label securely attached that indicates the month and year the maintenance was performed as well as the identity of the person/company performing the service. Metal head extinguishers must be recharged every six years and hydro-tested every 12 years per NFPA-10. Plastic head extinguishers must be replaced every 12 years per NFPA-10. PM-704.3

E sitting room

8-7 x 11-10

No violations noted.

90

NE bedroom

11-10 x 9-10

Existing Egress Window Measurements:

Height: 14 inches

Width: 23.75 inches

Sill Height: inches

Openable Area: 2.3 sq. ft.

At the time this structure was built, there were no code requirements for emergency egress for a sleeping room. The Housing & Neighborhood Development Department strongly recommends that the sleeping room egress windows be modified or replaced with a larger window to aid in emergency escape. BMC-16.04.400 (b)

Mechanical room/ laundry

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

SW bedroom

12-7 x 10-0

Existing Egress Window Measurements:

Height: 24 inches

Width: 27.5 inches

Sill Height: 28 inches

Openable Area: 4.58 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Hall

Provide operating power to Carbon Monoxide detector. PM-704.1

Replace the missing protective cover for the light fixture. PM-605.1

S center bedroom

10-5 x 9-0

The window measurements are the same as noted above.

Bathroom

Replace the vinyl flooring where leaks have allowed water to infiltrate at the bathtub and toilet. PM-304.4
Seal edge of floor covering adjacent to bathtub. PM-304.1

Complete the ceiling repair. PM-304.3

SE bedroom

11-10 x 9-11

The window measurements are the same as noted above.

Exterior

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. PM-303.2
This violation has a one-year deadline from the date of the Cycle Inspection.

Trim all tree branches away from the siding and roofline to maintain a 3' clearance. PM-302.4.1

Remove the small tree growing under the gas meter. PM-302.4.1

Repair the torn screen in the East storm door. PM-303.14

Repair the front handrail to the street. The top rail is loose and there are exposed nails. PM-303.12

Other requirements

Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection **or a \$25.00 fine will be levied. BMC 16.12.050 (d)**

Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition to Rescind Variance**

Meeting Date: July 18, 2012
Petition Type: Petition to Rescind a Variance
Petition Number: 12-RV-91
Address: 103 E. 16th Street
Petitioner: HAND
Inspector: Maria McCormick
Staff Report: May 30, 2012 Cycle Inspection Completed

The structure that was on this property was demolished and a new structure built in 2012. There was a ceiling height variance granted on October 14, 1993 for the old structure. Since that structure is gone there is no longer a need for the variance.

Staff Recommendation: Rescind the variance

Conditions: None

Attachments: Application for Appeal

[Handwritten mark]



**Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov**

RECEIVED
JUN 19 2012

BY: _____

Property Address: 103 E. 16th Street

Petitioner's Name: HAND

Address: 401 N. Morton Street Suite 130

City: Bloomington

State: Indiana

Zip Code: 47404

Phone Number: (812) 349-3420

E-mail Address: hand@bloomington.in.gov

Owner's Name: Omega Properties

Address: 115 E. 6th Street Suite 1

City: Bloomington

State: Indiana

Zip Code: 47408

Phone Number: 812-333-0995

E-mail Address: rob@omegabloomington.com

Occupants:

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: Rescind a variance. (Petition Type: RV)

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that months agenda!

(Will be assigned by BHQA)

12-RV-91

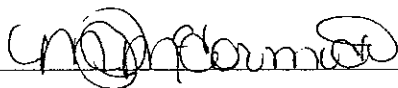
Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

The house that the ceiling height variance was granted for was demolished in 2012 and replaced with a new structure that meets all current codes.

Signature (Required):



Name (Print): Maria McCormick for HAND

Date: 6/19/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail).
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Extension of Time**

Meeting Date: July 18, 2012

Petition Type: An extension of time to complete repairs.

Petition Number: 12-TV-92

Address: 2313 S. Rockport Apt. A

Petitioner: Ron Yearby

Inspector: Robert Hoole

Staff Report: June 15, 2012 Complaint inspection mailed
June 19, 2012 Appeal filed

The petitioner is seeking an extension of time to complete repairs related to a complaint inspection. The eviction process for the tenant is underway and the petitioner wishes to delay repairs until the tenant is gone.

Staff recommendation: Grant the extension of time

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: September 18, 2012 or before occupancy by a subsequent tenant

Attachments: Appeal form, submitted documents, complaint inspection report



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 19 2012

BY: _____

Property Address: 2313 SOUTH ROCKPORT RD, APT A

Petitioner's Name: Ron Yearby

Address: 4743 N White River Dr

City: Bloomington State: IN Zip Code: 47404

Phone Number: 812 345 2765 E-mail Address: ron.yearby@home.anderlong

Owner's Name: FORUM CREDIT UNION

Address: 11313 USA PARKWAY

City: FISHERS State: IN Zip Code: 46037

Phone Number: _____ E-mail Address: _____

Occupants: HEATHER PIWEDA

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: TV

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-TV-92

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

NEED TO COMPLETE REPAIRS AFTER TENANT
HAS MOVED FROM APARTMENT
HOSTILE SITUATION
SEE ATTACHED LETTER
SEE ATTACHED DOCUMENTATION

Signature (Required):

Ronald W Yearby II

Name (Print):

Ronald W Yearby II

Date:

6/19/12

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form

Technology Park Crossing Apartments Forum Credit Union

Board of Housing Quality
Bloomington, IN

06-19-2012

We are appealing for a type TV extension of time. This letter is to clearly document our reasons for filing.

The situation with the Tenant, Heather Pineda has become somewhat hostile, and we believe that much of the damage is intentional. The Bloomington Housing Authority has filed Termination of this tenant. Her call to HAND was only after receiving Notice of Termination from BLHA. Prior to that, she has 4 extra people residing in her unit in clear violation of the City Of Bloomington city code for occupancy.

There was a terrible toilet overflow the morning of the inspection that we refuse to believe was coincidence.

This appears to be harassment on the part of the tenant. It's a "I'm going to cause as much trouble on my way out" situation.

Attached are letters from Tech Park to BLHA dating back to May, showing this was in the works, well before HAND was contacted. Also attached is a complaint from a neighboring complex.

Due to the hostile nature of this situation, we are asking to delay repairs until this tenant is removed from the building. Of course, safety issues (such as the broken window) are taken care of immediately. We also understand the unit cannot be re-rented until after Inspection by HAND.

Thank you for your understanding in this matter.

Sincerely

Ron Yearby, Agent



Earl Reagan, on-site Manager.



Technology Park Crossing Apartments
Earl Reagan, Manager
2311 A South Rockport Road
Bloomington, IN 47403
812-320-2555

Bloomington Housing Authority
Attn: Michelle Helmick
1007 N. Summit Ave
Bloomington, IN 47404

05-16-2012

RE: Pineda

Dear Michelle

I am writing to inform you that Heather Pineda, 2313 South Rockport Rd Apt A, is in gross violation of her lease, Section 8 policy and City of Bloomington Rental Ordinance.

For the past 2+ months, she has had at least 4 extra people residing in her unit. Her sister Amber, Amber's children and Ambers boyfriend, John have take up residence with her. In addition, there has been an unidentified male staying with her at times. Attached are photographs of the extra people. This has become a big problem. It is also in violation of the Maximum Occupancy limit included in the City of Bloomington Rental Occupancy limit. Maximum occupancy on that unit is listed as 5 per City Code. By my count, there is at least 8 people living there.

There is also a concern over "waste" of the unit, as defined by Indiana law. The amount of repairs in that unit exceeds the rest of the complex *combined*. The majority of the items have been damaged by the tenant and guests. The tenant shows a blatant disregard for our property, and the repair expenses/time have caused a serious problem. Below is a list of items that have been (or currently need) repairs. The tenant refuses to take responsibility for the items, insisting that none is her fault.

1. 2 washing machines. Replaced first one. Second needed service from Ace Appliance for broken knob, and broken lid switch. Both items were from rough usage.
2. Ceiling fan – blade off of fan. Blades held on by lock screws, impossible for it to "just fall off", per tenant claim. In 5 years, 96 fans in this complex have never had that happen.
3. Bedroom door/hinges torn from door frame, screws ripped from frame. Tenant claims "screws just fell out".

4. Condensate drain on furnace snapped in half. Again, tenant claims it "just fell off". Examination of broken parts shows it was broken with force.
5. Approximately 2 disposal clogs per month. Most recent one was caused by a plastic spoon caught in the blades. Tenant called for maintenance without even checking. Most tenants don't even have 1 clog per year. Obvious the tenant just does not care.
6. Bifold doors at washer/dryer not usable. Steel track that doors run in is actually bent. Again, showing rough handling. These metal tracks can not bend themselves.
7. Bedroom window screens torn/missing. Unit would have had screens to pass move in inspection from Bloomington Housing Authority.
8. Broken bedroom window, SW bedroom.
9. Broken bedroom door knob, NW bedroom. Show rough handling.
10. Several small holes in drywall, upstairs landing.
11. Tenant called with clogged downstairs toilet. Tube of hair gel removed from toilet neck, again with claim of "I don't know how it got there".
12. Over all grimy interior shows lack of cleaning and care.

Attached are 2 handwritten notes from tenant. I have made comments on these. Bottom line is that she is destroying that unit.

Additionally, See the attached letter from Shannon Ramey, owner of Dorothy Apartments that are adjacent to Tech Park. Ms. Pineda has been seen throwing trash off her rear balcony on several occasions with some ending up on Mr. Ramey's property. This is totally unacceptable.

The situation with this tenant has become wholly unacceptable.

Please feel free to contact me if you have questions.

Sincerely,

Earl Reagan, Property Manager
Tech Park.

BHR copy



Dorothy

APARTMENT RENTALS, INC
2226 SOUTH ROGERS STREET
BLOOMINGTON, IN 47403
(812) 336-7939 • (812) 336-2949 FAX

Locations in: Ellettsville • Bloomington • Gosport

May 15, 2012

Tech Park c/o
Earl Reagan
2311 South Rockport Road #11
Bloomington, IN 47403

RE: Illegal Dumping

Mr. Reagan,

On May 1, 2012 our maintenance man was notified by one of our tenants at Dorothy Apartment Rentals of two females dumping trash in our dumpster. Derk VanLeeuwen stated that he went outside and observed two women leaving trash in our dumpster. Mr. VanLeeuwen stated that he approached the women and told them that they could not dump their trash in our dumpster. One of the women stated that it was alright to do so, because "my mother lives at Dorothy Apartments and besides your trash dumpster is closer to their apartment." She also began to cuss at Mr. VanLeeuwen.

Mr. VanLeeuwen did not obtain the women's names but described both women as white and heavy-set. And one had dark hair. Mr. VanLeeuwen also stated that they both stay in apartment 2313 #A. Mr. VanLeeuwen informed the women that they are not allowed to dump their trash in our dumpster and he advised them of trespass for Dorothy Apartments.

After Mr. VanLeeuwen confronted the women, he immediately notified me. Mr. VanLeeuwen also stated that he returned some of the trash back to Tech Park and was able to identify the trash that the women placed in our dumpster.

If I can be of further assistance, please don't hesitate to ask.

Shannon Ramey
Shannon Ramey
For Dorothy Apartment Rentals, Inc.



City of Bloomington
Housing and Neighborhood Development

Complaint Report

7277

OWNERS

=====

Forum Credit Union - Brandon G. Maves
11313 Usa Parkway
Fishers, IN 46037

AGENT

=====

Yearby, Ron
4743 N. White River Drive
Bloomington, IN 47404

Prop. Location: 2313 S Rockport RD
Number of Units/Structures: 2/1
Units/Bedrooms/Max # of Occupants: 2/3/5

Date Inspected: 06/14/2012
Primary Heat Source: Electric
Property Zoning: RH
Number of Stories: 2

Inspectors: Robert Hoole
Foundation Type: Crawl Space
Attic Access: N/A
Accessory Structure:

The following items are the result of a complaint inspection conducted on 6/14/2012. It is your responsibility to repair these items and to schedule a re-inspection within **fourteen (14)** days of the mailing of this report. Failure to comply with this inspection report will result in this matter being referred to the City of Bloomington Legal Department. Failure to comply with this complaint inspection report may result in fines of up to \$100.00/day. If you have questions regarding this report, please contact this office at 349-3420.

Unit A

Living room

Eliminate the leak from the bathroom above and properly repair the ceiling. PM-304.3, PM-504.1

103

North front bedroom

Properly repair or replace the closet door. PM-304.6

Properly repair the entry door to open, close, and latch as intended. PM-304.6

2nd floor bath

Repair the toilet to function as intended. PM-504.1

Kitchen

Repair the disposal to function as intended. PM-603.1

Exterior

From May 15th to October 15th of each year, every door opening directly from any rental unit to the outdoors, and every window or other outside opening used for ventilation purposes shall be supplied with approved screening. PM-303.14



City of Bloomington
H.A.N.D.

**Board of Housing Quality Appeals
Staff Report: Petition for Variance**

Meeting Date: July 18, 2012

Petition Type: A modification or exception to the Property Maintenance Code

Petition Number: 12-V-93

Address: 111 E. 10th Street

Petitioner: Jerry M. Fox

Inspector: Maria McCormick

Staff Report: May 14, 2012 Completed Cycle inspection
June 20, 2012 Received Application for Appeal
July 9, 2012 Re-inspection Scheduled

During the cycle inspection it was noted that in two of the apartments there were no exhaust fans. Section 403.2 (Every habitable space shall have at least one openable window.) of the Property Maintenance code states "Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recalculated." All 4 apartments at one time had windows in the bathrooms that have been removed. The other 2 apartments have exhaust fans in the bathrooms. The petitioner is seeking a variance to the Property Maintenance Code so that he not have to install exhaust fans in the two apartments that do not have fans in them currently.

Staff recommendation: Deny the request

Conditions: Install the exhaust fans in the two bathrooms and schedule a re-inspection.

Compliance Deadline: August 31, 2012

Attachments: Application for Appeal; Cycle Report



Application For Appeal
To The
Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

RECEIVED
JUN 21 2012

Property Address: 111 East Tenth Street BY: _____

Petitioner's Name: Terry M. Fox

Address: 6440 Wellston Drive

City: Bloomington State: Indiana Zip Code: 47408

Phone Number: (812) 332-4465 E-mail Address: jfox6440@comcast.net

Owner's Name: Terry M. Fox

Address: 6440 Wellston Drive

City: Bloomington State: Indiana Zip Code: 47408

Phone Number: (812) 332-4465 E-mail Address: jfox6440@comcast.net

Occupants: MARI ANNE MOTTO - JENNIFER DUREANSKY

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Identify the variance type that you are requesting from the following drop down menu:

Variance Type: _____

Reminder:

A \$20.00 filing fee must be submitted with the Appeal Application or the application will not be considered to be complete! A completed application has to be submitted prior to the meeting application deadline in order to be placed on that month's agenda!

(Will be assigned by BHQA)

12-V-93

Petition Number: _____

In the space provided below please write a brief narrative regarding your request. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting. The following information must be included dependent upon the type of variance you are requesting:

- A. An extension of time to complete repairs. (Petition type: TV)
 - 1. Specify the items that need the extension of time to complete.
 - 2. Explain why the extension is needed.
 - 3. Specify the time requested.
- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)
 - 1. Specify the code reference number you are appealing.
 - 2. Detail why you are requesting the variance.
 - 3. Specify the modifications and or alterations you are suggesting.
- C. Relief from an administration decision. (Petition type: AA)
 - 1. Specify the decision being appealed and the relief you are seeking.
- D. Rescind a variance. (Petition type: RV)
 - 1. Detail the existing variance.
 - 2. Specify the reason the variance is no longer needed.

This structure was built in 1935. The interior in the bathroom is plaster and wood lags. The exterior is stone & brick. In order to install 2 exhaust fans the tile ceilings, which is part of the beauty of the historic building, will have to be dropped down 12 inches and changed to suspended ceiling. I will have to drill through blocks and bricks so that the exhaust fans can be vented. Drilling through the blocks and bricks will weaken the walkway between the apartments. The installation of the exhaust fans will be costly, labor intensive, will compromise this historic building. Asking for VARIANCE

Signature (Required):

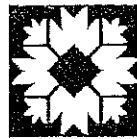
Name (Print):

Date:

Important information regarding this application format:

- 1. This form is designed to be filled out electronically, printed, then returned/submitted manually (e.g. postal mail):
- 2. This document may be saved on your computer for future use, however, any data that you have entered will not be saved.

Print Form



City of Bloomington
Housing and Neighborhood Development

Cycle Report

2710

OWNERS

Fox, Jerry M. & Justin O.
6440 Wellston Dr
Bloomington, IN 47408

Prop. Location: 111 E 10th ST
Units/Bedrooms/Max # of Occupants: 4/1/2
Date Inspected: 05/14/2012
Primary Heat Source: Gas
Property Zoning: CD
Number of Stories: 2

Number of Units/Structures: 4/1
Inspectors: Maria McCormick
Foundation Type: Basement
Attic Access: Yes
Accessory Structure: None

Monroe County Assessor's records indicate that this structure was built in 1935. At that time there were no minimum requirements for emergency egress.

All apartments have the same floor plans and egress window measurements. Only rooms with violations will be listed in this report.

Enclosed Back Porch: Kitchen 8-0 x 8-0; Dining Room 12-0 x 8-0; Living Room 18-0 x 12-0; Bedroom 12-0 x 10-0:

Existing Egress Window Measurements:

Height: 24 ½ inches
Width: 28 ½ inches
Sill Height: 21 ½ inches
Openable Area: 4.86 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

INTERIOR:

Apt. 1 –

Bathroom:

Repair the faucet to eliminate the constant dripping. PM-504.1

Every bathroom and toilet room shall have one openable window, or a mechanical ventilation system exhausted directly to the outdoors. PM-403.1, PM-403.2 -

* Correction this unit has an exhaust that was not functioning at the time of the cycle inspection. It was repaired and working at reinspection. 108

Apt. 2 –

Bathroom:

Every bathroom and toilet room shall have one openable window, or a mechanical ventilation system exhausted directly to the outdoors. PM-403.1, PM-403.2

Replace the broken light switch. PM-605.1

Apt. 3 –

Living Room:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Apt. 4 –

Living Room:

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Hallway:

Repair the surface of the ceiling to be free of cracks and peeling paint. PM-304.3

Bathroom:

Every bathroom and toilet room shall have one openable window, or a mechanical ventilation system exhausted directly to the outdoors. PM-403.1, PM-403.2

Repair the surface of the ceiling and the walls to be free of cracks and peeling paint. PM-304.3

Basement/Garages –

Thoroughly clean and service the furnaces (for units 1 & 2), inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Common Laundry Area –

No violation noted.

EXTERIOR:

Scrape and paint exterior surfaces where paint is peeling or wood is exposed. Paint the back porch window on apartment 2. PM-303.2

OTHER REQUIREMENTS:**Required documentation:**

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)

